IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R No.82 of 1998
Date of decision: 7.11.2006

The Balbir Basti Scheduled Caste Land Owning Co-op. Soc.,

Faridkot ...Petitioner

Versus

The Commissioner of Income-tax, Amnritsar ...Respondent

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: None for the petitioner.
Dr.N.L.Sharda, Advocate for the Revenue.

JUDGMENT

Following questions of law have been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar arising out of its order dated 8.4.1997 passed in I.T.A.No.1029(ASR)/90, in respect of the assessment year 1986-87.

> "i) Whether on the facts and the circumstances of the case, the Tribunal was justified in confirming the view of the CIT(A), upholding the order of the ITO in rejecting the application of assessee moved under Section 154 of the Income Tax Act, 1961?
>
> ii) Whether on the facts and in the circumstances of the case, the Tribunal was justified in refusing to entertain the alternative ground of the assessee for reduction of Rs.1,56,065/- cost of stamp papers out of total computation of capital gains as the said ground does not arise out of the order of the authorities below?

On case being called out for hearing, none appears for the assessee. In the absence of any representation on behalf of the assessee, we do not consider it appropriate to go into the merits of questions of law referred.

The reference is thus returned unanswered.

(Adarsh Kumar Goel)
Judge

November 7, 2006 **(Rajesh Bindal)**
Pka **Judge**